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FEB 18 2011  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**FILED**

**FEB 18 2011**

DAVID CREWS, CLERK  
BY  Deputy

Andy Mercer,

Plaintiff,

v.

Chase Receivables,

Defendant.

Civil Action No. 3:11CV-24-GHD-SAA  
**COMPLAINT**

For this Complaint, Plaintiff Andy Mercer, by undersigned counsels, alleges the following against Defendant, Chase Receivables:

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

2. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection and does so through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

3. In the course of attempting to collect on a consumer debt allegedly owed by Plaintiff, Defendant violated the provisions of the FDCPA as set forth herein.

**JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

5. Defendant conducts business in the state of Mississippi, and therefore, personal jurisdiction is established.

6. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

### **PARTIES**

7. Plaintiff is a natural person residing in Thaxton, Pontotoc County, Mississippi.

8. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

9. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Defendant is a national corporation located in Sonoma, Sonoma County, California.

### **FACTS GIVING RISE TO THIS CAUSE OF ACTION**

11. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant has been placing collection calls to Plaintiff for approximately two months.

13. Defendant places collection calls to Plaintiff on a daily basis sometimes calling three times in a single day.

14. Defendant places collection calls to Plaintiff from telephone number: 601-680-0836.

15. Defendant places collection calls to Plaintiff on telephone number: 662-419-5302.

16. When Plaintiff answers the phone and asks why Defendant is calling, Defendant

claims that Plaintiff's account is not in their system and therefore they cannot provide Plaintiff with any information about his account.

17. Defendant states that it cannot stop calling Plaintiff because the calls are computer generated and his telephone number cannot be found under his name.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment be entered against Defendant for the following:

1. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
2. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
3. Any other relief to which Plaintiff may be entitled.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**


STATE OF MISSISSIPPI)

Plaintiff, Andy Mercer, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Andy Mercer, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

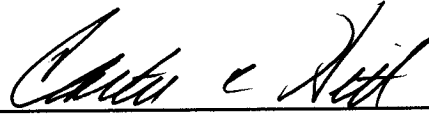
2/2/2011  
Date

  
\_\_\_\_\_  
Andy Mercer

RESPECTFULLY SUBMITTED,

DATED: 2-18-11

By: \_\_\_\_\_



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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff demands a jury trial in this case.